

Atty. Docket No. DE920000055US1
(590.080)

REMARKS

In the Office Action dated June 1, 2005, pending Claims 19-49 were rejected and the rejection made final. Applicants filed an Amendment After Final on August 1, 2005. Upon receipt of an Advisory Action from the Office, an interview was requested with the Examiner and conducted on October 24, 2005. No agreement was made with regards to the claims during this interview. It was agreed upon, however, that a Request for Continued Examination would be filed.

Claims 19, 25, 31, 39, 47-49 are independent claims; the remaining claims are dependent claims. The independent claims have been rewritten. Applicants intend no change in the scope of the claims by the changes made by this amendment. It should also be noted these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution.

Claims 25-30, 39-41, 43-47 and 49 stand rejected under 35 USC § 102(b) as being anticipated by Kimber et al. Reconsideration and withdrawal of this rejection is respectfully requested.

As best understood, Kimber et al. appears to be directed to a method of clustering speaker data from a plurality of unknown speakers in conversational data. (Abstract; Col. 1, lines 26-28) While the identify of the speakers is not known in Kimber et al., speech segments from each speaker appear to be clustered together. The data clusters are indexed indicating multiple speakers and audio segments that correspond to different speakers. (column 5, lines 33-45) An index for the complete recording is then created by

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collecting the various segments that are similarly marked by an individual. (Col. 12, lines 17-19)

Creating an index for a complete conversation, or for that matter, unknown speakers, stands in stark contrast to the present invention. The present invention indexes and transcribes an audio stream of human speech while recognizing known speakers and detecting speaker changes. Further, for each speaker, the processing of the speech data is implemented using a different dictionary of different topics.

Independent Claim 19 recites, *inter alia*, identifying a known speaker from among the plurality of speakers and transcribing at least part of the continuous audio stream if the known speaker is recognized, wherein each speaker is processed using a different dictionary of different topics. (emphasis added) Independent Claim 25 recites, *inter alia*, indexing the audio stream with respect to the detected speaker change if the known speaker is recognized, wherein each speaker is processed using a different dictionary of different topics. (emphasis added) Similar language also appears in the other Independent Claims.

It is respectfully submitted that Kimber et al. clearly falls short of present invention (as defined by the independent claims) in that, *inter alia*, it does not disclose identifying a known speaker from among the plurality of speakers *and* transcribing or indexing at least part of the continuous audio stream if the known speaker is recognized, wherein each speaker is processed using a different dictionary of different topics. (emphasis added) Accordingly, Applicants respectfully submit that the applied art does

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not anticipate the present invention because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction." *W.L. Gore & Associates, Inc. v. Garlock*, 721 F.2d 1540, 1554 (Fed. Cir. 1983); *see also In re Marshall*, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

Claims 19-24, 31-38, 42 and 48 stand rejected under 35 USC § 103(a) as obvious over Kimber et al. in view of Glickman et al. Specifically the Office asserted that "[i]t would have been obvious ... to modify Kimber et al. by incorporating the teaching of Glickman et al. in order to provide automatic closed-caption using speaker-dependent models to enhance speech recognition accuracy." Reconsideration and withdrawal of the present rejections are hereby respectfully requested.

A 35 USC 103(a) rejection requires that the combined cited references provide both the motivation to combine the references and an expectation of success. Not only is there no motivation to combine the references, no expectation of success, but actually combining the references would not produce the claimed invention. Thus, the claimed invention is patentable over the combined references and the state of the art.

Glickman et al. does not overcome the deficiencies of Kimber et al. set forth above. In that regard, Glickman et al. "develop[s] separate acoustic-phonetic models ... for [each of] the multiple speakers." (Col. 5, lines 51-52) Glickman et al. continues that "[a]fter the models are 'trained', speaker recognition can automatically be performed" and "[t]his technique can also be used to perform 'automatic' closed captioning." (Col. 5, lines 52-55) Glickman et al. thus teaches transcription of the speech of all speakers

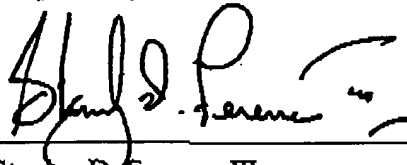
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involved in a particular conversation. Further, Glickman et al. teach storing only those words that are recognized in the audio stream (column 3, lines 36-44). There is no teaching or suggestion in Glickman et al. to process the speech of different speakers with different dictionaries of different topics. Thus, even if Glickman et al. were combined with Kimber et al., this combination does not teach or suggest the claimed invention.

In view of the foregoing, it is respectfully submitted that Independent Claims 19, 25, 31, 39 and 47-49 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claims 19, 25, 31 and 39, it is thus also submitted that Claims 20-24, 26-30, 32-38 and 40-46 are also allowable at this juncture.

In summary, it is respectfully submitted that the instant application, including Claims 19-49, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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